

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VINCENT KAMYAR VAGHAR,

No. C-07-4083 MMC

Plaintiffs,

**ORDER DISMISSING ACTION WITH
LEAVE TO AMEND**

v.

DAVID J. KILLIAN, et al.,


Defendants.

Jurisdiction over the instant contract action is alleged to be based entirely on diversity. (See Compl. ¶ 5.) Because plaintiff fails to allege the citizenship of the owners/members of defendant Rosa Court, LLC, however, plaintiff fails to adequately allege diversity jurisdiction. See Johnson v. Columbia Properties Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006) (“[L]ike a partnership, an LLC is a citizen of every state of which its owners/members are citizens.”)

Accordingly, the instant action is hereby DISMISSED, with leave to file, no later than September 21, 2007, an amended complaint correcting, if possible, the above-noted deficiency.

IT IS SO ORDERED.

Dated: August 30, 2007


MAXINE M. CHESNEY
United States District Judge